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May 6, 2024

VIA ECF

United States District Judge Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Room 2203

Re: Structured Asset Sales, LLC v. Sheeran, 20-cv-4329-RA-SN

Dear Judge Abrams:

I represent Plaintiff Structured Asset Sales, LLC in the above-referenced matter, and submit this joint letter in conjunction with Pryor Cashman LLP, counsel for the Defendants, in response to the Court's Order dated April 5, 2024 (ECF 102).

As the Court knows, this case is the third of three cases filed in this District, all involving the alleged infringement of the Edward Townsend musical composition "Let's Get It On," by way of the Ed Sheeran song "Thinking Out Loud":

- *Griffin v. Sheeran*, 17-cv-05221-LLS ("Griffin")
- *Structured Asset Sales, LLC v. Sheeran*, 18-cv-05839-LLS ("SAS I")
- *Structured Asset Sales, LLC v. Sheeran*, 20-cv-4329-RA-SN ("SAS II")

On May 4, 2023, the jury in *Griffin* returned a verdict in favor of Defendants finding that "Thinking Out Loud" was independently created and thus did not infringe the copyright of "Let's Get It On" (*Griffin* ECF 276), and on May 5, 2023, Judge Stanton issued a Judgment dismissing the case. *Griffin* ECF 277. On June 5, 2023, the *Griffin* plaintiffs initiated an appeal of that Judgment (*Griffin v. Sheeran*, 23-870 (2d Cir.)), and on September 20, 2023, they withdrew that appeal with prejudice.

On May 16, 2023, in *SAS I*, Judge Stanton issued an Opinion and Order, *inter alia*, granting Defendants' Motion for Reconsideration, and on reconsideration, granting Summary Judgment dismissing the complaint (*SAS I* ECF 217), and on May 17, 2023 issued a Judgment dismissing the case. *SAS I* ECF 218. On June 16, 2023, Plaintiff filed a notice of appeal of that Judgment (*Structured Asset Sales, LLC v. Sheeran*, 23-905 (2d Cir.)). The appeal was fully-briefed, oral argument before the Second Circuit was held on April 17, 2024, and the matter is now *sub judice*.

The parties are in agreement, and respectfully jointly submit, that the stay in *SAS II* should be continued pending the issuance of a decision by the Court of Appeals. Once such decision has been issued, we will advise Your Honor and, depending on its outcome, we will then address whether the stay should be continued or whether this

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action should then proceed.

Respectfully submitted,



Hillel I. Parness

cc: Counsel of Record (via ECF)